

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,002

IN THE MATTER OF:

Served October 25, 2006

Application of HAMPTON LUXURY SEDAN )  
SERVICE, LLC, Trading as HAMPTON )  
LUXURY SEDAN SERVICE, for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2006-186

By application accepted for filing October 10, 2006, Hampton Luxury Sedan Service, LLC, a District of Columbia entity trading as Hampton Luxury Sedan Service, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

Applicant proposes commencing operations in one sedan with a seating capacity of five persons, including the driver. Applicant proposes operating under a tariff containing an hourly sightseeing rate, a separate hourly airport shuttle rate, and a third hourly rate for other types of transportation.

The fare structure and vehicle list proposed by applicant raises the issue of whether the service proposed by applicant qualifies as transportation in "other vehicles that perform a bona fide taxicab service."

Under Article XI, Section 3(f) of the Compact, transportation provided in other vehicles that perform a bona fide taxicab service is exempt from the Commission's certification requirement.<sup>1</sup>

Regulation No. 51-09 defines the term "other vehicles that perform a bona fide taxicab service" to include vehicles used to perform a service that is:

(a) transportation intended in good faith to be provided only between points selected at will by the person or persons hiring the vehicle in which such transportation is provided;

(b) conducted in a vehicle subject to the exclusive use of the passenger or single party of

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<sup>1</sup> Carriers providing such service must still comply with Commission requirements governing rates, charges, regulations, and minimum insurance requirements relating to bona fide taxicab service vehicles and operations. Compact, art. XI, § 1(b).

passengers hiring the vehicle for the entire time such vehicle is under hire;

(c) priced at rates based on the duration and/or distance of the transportation rendered;

(d) conducted in a vehicle engaged solely in rendering or performing transportation as described in subparagraphs (a), (b), and (c) above; and

(e) conducted in a vehicle having a seating capacity of eight passengers or less in addition to the driver.

The Commission has not previously been confronted with the issue of whether a fare structure containing hourly rates that vary according to the type of transportation provided is "priced at rates based on the duration and/or distance of the transportation rendered," within the meaning of Regulation 51-09(c). This issue need not be resolved in the context of this proceeding if applicant's proposed transportation fails to otherwise conform to Regulation 51-09. Therefore, applicant will be directed to file a statement clarifying whether the transportation it proposes is consistent with Regulation No. 51-09(a) and (b).

The application indicates that after applicant was formed, applicant's president, Joanne Hampton, registered with the District of Columbia Department of Consumer and Regulatory Affairs to conduct business personally under the trade name "Hampton Luxury Sedan Service." To avoid confusion among the public, applicant will be directed to submit proof that the trade name "Hampton Luxury Sedan Service" has been inactivated or transferred to applicant.<sup>2</sup>

Because applicant has federal or state passenger carrier authority, applicant will be directed to furnish information about its other authority.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than November 8, 2006, notice in the form prescribed by the staff of the Commission.

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<sup>2</sup> See *In re Mobility Access LLC, t/a Mobility Access*, No. AP-06-145, Order No. 9828 (Aug. 11, 2006) (to avoid confusion among the public, applicant required to file proof that trade name similar to its own name and registered to applicant's vice-president was transferred to applicant or inactivated).

2. That applicant shall file with the Commission, no later than November 22, 2006, an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than November 22, 2006, a statement describing whether its proposed transportation service: (a) will be provided only between points selected at will by the person or persons hiring the vehicle in which such transportation is provided, and (b) will be conducted in vehicle(s) subject to the exclusive use of the passenger or single party of passengers hiring the vehicle for the entire time such vehicle is under hire.

4. That applicant shall file with the Commission, no later than November 22, 2006, proof that the trade name "Hampton Luxury Sedan Service" has been inactivated or transferred to applicant.

5. That applicant shall file with the Commission, no later than November 22, 2006, a copy of each motor carrier license, certificate or registration that applicant currently holds.

6. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is November 22, 2006, and that copies must be served on applicant's president, Joanne D. Hampton, 1946 Quincy Street, N.E., Washington, DC 20018.

FOR THE COMMISSION:

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.  
Executive Director